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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 COURTNEY MOTLEY,

Case No. 3:20-cv-00053-MMD-WGC

7 Petitioner,

ORDER

8 v.

9 STATE OF NEVADA, *et al.*,

10 Respondents.
11

12 This closed action is a second or successive petition for a writ of habeas corpus
13 under 28 U.S.C. § 2254 by *pro se* Petitioner Courtney Motley. On March 4, 2020, the Court
14 referred the action to the United States Court of Appeals for the Ninth Circuit for a
15 determination under 28 U.S.C. § 2244(b)(3) whether Petitioner is authorized to proceed
16 with a second or successive petition. (ECF No. 7.) On March 5, 2020, the Court received
17 and filed a notice of appeal from Petitioner. (ECF No. 8.) The court of appeals has issued
18 a notice that a briefing schedule will not be set "until the district court and, if necessary,
19 this court determine whether a certificate of appealability should issue." (ECF No. 11.)

20 This Court did not dismiss the action and enter final judgment. Instead, as noted
21 above, the Court referred the action to the court of appeals for a determination whether to
22 authorize the filing of a second or successive petition. Reasonable jurists would not find
23 the referral to be debatable or wrong. To the extent that Petitioner is trying to appeal the
24 Court's initial finding that this is a second or successive petition, reasonable jurists also
25 would not find that decision to be debatable or wrong. Consequently, the Court will not
26 issue a certificate of appealability.

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It therefore is ordered that this Court will not issue a certificate of appealability.
DATED THIS 11th day of March 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE